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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

93-144
JAN 5 1995

In the Matter of
Amendment of Part 90
of the Commission's Rules
to Facilitate Future Development
of SMR Systems
in the 800 MHz Frequency Band

and

Implementation of Section 309(j)
of the Communications Act -
Competitive Bidding
800 MHz SMR

PR Docket No. 93-144
RM-8117, RM-8030
RM-8029

PP Docket No. 93-253

To: The Commission

COMMENTS OF
ATLANTIC CELLULAR COMPANY L.P.

Atlantic Cellular Company L.P. ("Atlantic"), pursuant to Section 1.415(a) of the Federal Communications Commission's ("FCC" or "Commission") rules and regulations, hereby respectfully submits its comments to the Further Notice of Proposed Rule Making ("Further Notice") in the above-styled proceeding.¹

Atlantic is an established wireless communications provider in a number of Commission-licensed services, and has a particular expertise in mobile communications. Atlantic and its affiliates currently provide permanent cellular service throughout Vermont and in California 11, New Hampshire 1, New York 2 and Massachusetts 1 RSAs. In addition, Atlantic provides interim cellular service to the New Hampshire 2 RSA. The total population covered by

¹ Further Notice of Proposed Rule Making (FCC 94-271), PR Docket No. 93-144 and PP Docket No. 93-253, 59 F.R. 60112 (November 22, 1994). The Comment Period was extended by Order (DA 94-1326) adopted November 28, 1994 until January 5, 1995 and the Reply Comment period was extended until January 20, 1995.

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Atlantic's cellular system is approximately 1.3 million. Atlantic's systems currently serve more than 25,000 subscribers.

Additionally, Atlantic also is developing a wide-area digital Specialized Mobile Radio ("SMR") network in the states of Michigan, Ohio and Indiana and is participating in several other wide-area digital SMR networks being developed throughout the United States. Accordingly, Atlantic is significantly involved in all areas of wireless communications, including wide-area SMR networks, which this proceeding will effect. Atlantic, therefore, takes this opportunity to comment on certain proposals set forth in the Further Notice which directly affects wide-area digital SMR networks.

Atlantic focuses its comments on the issue of relocation of incumbent licensees. Atlantic supports the current plan of voluntary relocation of incumbent licensees. Atlantic recognizes that other parties would prefer mandatory relocation and opposes that position for several reasons.

1. The incumbent licensee and the auction winner will be direct competitors focusing on both traditional dispatch and interconnected phone service. By providing for mandatory relocation, the Commission is effectively putting the fox in the hen house by giving one competitor control over the competitors' destinies. Mandatory relocation is anti-competitive.
2. Other companies point to the precedent set in the PCS auctions and indicate that the same rules should apply for SMR

auctions. Atlantic feels the situations are not analogous because the existing microwave users are predominantly in-house networks. In contrast, the SMR companies are providing service to the public. As a result, microwave users will not compete with the PCS winners, but the SMR companies will compete very aggressively with one another.

3. Mandatory relocation will force the incumbent licensee to return all the handsets of the customers. This is portrayed as a simple transition requiring minimal time and effort for the consumer. Nothing could be further from the truth. The current users of SMR service are employees of small businesses who are in their vehicles all day long. This is a 2-3 hour change. For example, it typically takes 30-60 minutes to drive to the installation facility, takes 30 minutes having the handset reprogrammed, and takes another 30-60 minutes returning to work. This could cost each driver 25% of a day. In addition, there is no guarantee that the new frequency will have the same coverage pattern as the existing frequency because its co-channel interference characteristics will be different. The result of mandatory relocation is that the customer is likely to be less satisfied with the service and more likely to either cancel service or switch companies. It will be very difficult to estimate the cost of the bad feelings generated by this process.
4. Mandatory relocation will result in extensive litigation because of the negative impact it will have on the

consumers of small companies.

In conclusion, Atlantic feels that mandatory relocation is anti-competitive. It will give the auction winner an unfair advantage and it will cause the incumbent's customers unnecessary hardship.

WHEREFORE, THE PREMISES CONSIDERED, Atlantic Cellular Company L.P. respectfully requests that the Commission take action in conformance with the comments set forth herein.

RESPECTFULLY SUBMITTED,

ATLANTIC CELLULAR COMPANY L.P.

By: Charles C. Townsend

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Its Officer

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